

ASSEMBLY BILL 40

1 **SECTION 1758.** 118.19 (16) of the statutes is created to read:

2 118.19 (16) The department shall ensure that teaching experience gained
3 while a person held an emergency permit issued by the department under s. PI 34.21
4 (2), Wis. Adm. Code, counts toward fulfillment of the teaching experience
5 requirement for a license based on experience under s. PI 34.195 (2), Wis. Adm. Code,
6 or for a license in a school administrator category under s. PI 34.32, Wis. Adm. Code.

7 **SECTION 1759.** 118.30 (1) of the statutes is amended to read:

8 118.30 (1) The state superintendent shall adopt or approve examinations
9 designed to measure pupil attainment of knowledge and concepts in the 4th, 8th and,
10 9th, 10th, and 11th grades.

11 **SECTION 1760.** 118.30 (1m) (ar) of the statutes is created to read:

12 118.30 (1m) (ar) Except as provided in sub. (7), beginning in the 2014-15 school
13 year, administer the 9th grade examination adopted or approved by the state
14 superintendent under sub. (1) to all pupils enrolled in the school district, including
15 pupils enrolled in charter schools located in the school district, in the 9th grade.

16 **SECTION 1761.** 118.30 (1m) (c) of the statutes is created to read:

17 118.30 (1m) (c) Except as provided in sub. (7), beginning in the 2014-15 school
18 year, administer the 11th grade examination adopted or approved by the state
19 superintendent under sub. (1) to all pupils enrolled in the school district, including
20 pupils enrolled in charter schools located in the school district, in the 11th grade. *spring session of the*

21 **SECTION 1762.** 118.30 (1r) (ar) of the statutes is created to read:

22 118.30 (1r) (ar) Beginning in the 2014-15 school year, administer the 9th grade
23 examination adopted or approved by the state superintendent under sub. (1) to all
24 pupils enrolled in the charter school in the 9th grade.

25 **SECTION 1763.** 118.30 (1r) (c) of the statutes is created to read:

817-15 A

817-15

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817-24 A

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SECTION 1763

1 118.30 (1r) (c) Beginning in the 2014-15 school year, administer the 11th grade
2 examination adopted or approved by the state superintendent under sub. (1) to all
3 pupils enrolled in the charter school in the 11th grade. *spring session of the*

4 **SECTION 1764.** 118.30 (1s) (a) 2m. of the statutes is created to read:

5 118.30 (1s) (a) 2m. Beginning in the 2014-15 school year, administer the 9th
6 grade examination adopted or approved by the state superintendent under sub. (1)
7 to all pupils attending the 9th grade in the private school under s. 119.23. *818-7*

8 **SECTION 1765.** 118.30 (1s) (a) 3m. of the statutes is created to read:

9 118.30 (1s) (a) 3m. Beginning in the 2014-15 school year, *in the spring session* administer the 11th
10 grade examination adopted or approved by the state superintendent under sub. (1)
11 to all pupils attending the 11th grade in the private school under s. 119.23.

12 **SECTION 1766.** 118.30 (1t) (bm) of the statutes is created to read: *in the spring session*

13 118.30 (1t) (bm) Beginning in the 2014-15 school year, administer the 9th
14 grade examination adopted or approved by the state superintendent under sub. (1)
15 to all pupils attending the 9th grade in the private school under s. 118.60. *818-15*

16 **SECTION 1767.** 118.30 (1t) (cm) of the statutes is created to read:

17 118.30 (1t) (cm) Beginning in the 2014-15 school year, *in the spring session* administer the 11th
18 grade examination adopted or approved by the state superintendent under sub. (1)
19 to all pupils attending the 11th grade in the private school under s. 118.60.

20 **SECTION 1768.** 118.30 (2) (b) 5. of the statutes is amended to read:

21 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
22 body of a private school participating in the program under s. 119.23 shall excuse the
23 pupil from taking an examination administered under sub. (1s) (a) 1. to 3. 3m.

24 **SECTION 1769.** 118.30 (2) (b) 6. of the statutes is amended to read:

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1 118.30 (2) (b) 6. Upon the request of a pupil's parent or guardian, the governing
2 body of a private school participating in the program under s. 118.60 shall excuse the
3 pupil from taking an examination administered under sub. (1t) (a) to (e) (cm).

4 **SECTION 1770.** 118.40 (2) (b) (intro.) of the statutes is renumbered 118.40 (2)
5 (b) and amended to read:

6 118.40 (2) (b) A school board may grant a petition that would result in the
7 conversion of all of the public schools in the school district to charter schools if all of
8 the following apply:

9 **SECTION 1771.** 118.40 (2) (b) 1. and 2. of the statutes are repealed.

10 **SECTION 1772.** 118.40 (2m) (a) of the statutes is amended to read:

11 118.40 (2m) (a) A school board may on its own initiative contract with a person
12 to operate a school as a charter school. The contract shall include all of the provisions
13 specified under sub. (1m) (b) and may include other provisions agreed to by the
14 parties, except as otherwise provided in this section.

15 **SECTION 1773.** 118.40 (2m) (b) of the statutes is amended to read:

16 118.40 (2m) (b) A school board may ~~not~~ enter into a contract under par. (a) that
17 would result in the conversion of all of the public schools in the school district to
18 charter schools ~~unless the school board complies with sub. (2) (b) 2.~~

19 **SECTION 1774.** 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

20 118.40 (2r) (b) 1. (intro.) All Except as provided in subd. 3., any of the following
21 entities ~~may establish by charter and operate a charter school or, on behalf of their~~
22 ~~respective entities, may initiate a contract with an individual or group~~ a person to
23 operate a school as a charter school:

24 **SECTION 1775.** 118.40 (2r) (b) 1. e. of the statutes is created to read:

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1 118.40 (2r) (b) 1. e. Any nonprofit, nonsectarian organization or consortium of
2 such organizations approved by the charter school oversight board under par. (bm).

3 **SECTION 1776.** 118.40 (2r) (b) 2. of the statutes is renumbered 118.40 (2r) (b)
4 2. (intro.) and amended to read:

5 118.40 (2r) (b) 2. (intro.) A charter shall include all of the provisions specified
6 under sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified
7 under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the
8 charter school on the liability of the contracting entity under this paragraph. The
9 contract shall also include all of the following provisions and may include other
10 provisions agreed to by the parties. ~~The chancellor of the University of~~
11 ~~Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may not establish~~
12 ~~or enter into a contract for the establishment of a charter school under this~~
13 ~~paragraph without the approval of the board of regents of the University of~~
14 ~~Wisconsin System.;~~

15 **SECTION 1777.** 118.40 (2r) (b) 2. a. to k. of the statutes are created to read:

16 118.40 (2r) (b) 2. a. A requirement that the charter school governing board
17 adhere to specified annual academic and operational performance standards
18 developed in accordance with the performance framework of the entity with which
19 it is contracting.

20 b. Provisions detailing the corrective measures the charter school governing
21 board will take if the charter school fails to meet performance standards.

22 c. A provision allowing the governing board of a charter school that receives a
23 rating of "exceeds expectations" or "significantly exceeds expectations" in the most
24 recent school report published by the department under s. 115.385 to open one or
25 more additional charter schools. If the charter school governing board opens one or

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1 more additional charter schools, the existing contract applies to the new school or
2 schools unless the parties agree to amend the existing contract or enter into a new
3 contract.

4 d. The methodology that will be used by the charter school governing board to
5 monitor and verify pupil enrollment, credit accrual, and course completion.

6 e. A requirement that the entity under subd. 1. have direct access to pupil data.

7 f. A description of the administrative relationship between the parties to the
8 contract.

9 g. A requirement that the charter school governing board hold parent-teacher
10 conferences at least annually.

11 h. A requirement that if more than one charter school is operated under the
12 contract, the charter school governing board reports to the entity under subd. 1. on
13 each charter school separately.

14 i. A requirement that the charter school governing board provide the data
15 needed by the entity under subd. 1. for purposes of making the report required under
16 sub. (3m) (a) 6.

17 j. A requirement that the charter school governing board participate in any
18 training provided by the entity under subd. 1.

19 k. A description of all fees that the entity under subd. 1. will charge the charter
20 school governing board.

21 **SECTION 1778.** 118.40 (2r) (b) 3. of the statutes is repealed and recreated to
22 read:

23 118.40 (2r) (b) 3. If an entity specified in subd. 1. a. to d. was operating a charter
24 school itself immediately prior to the effective date of this subdivision [LRB
25 inserts date], it may continue to do so.

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SECTION 1779

1 **SECTION 1779.** 118.40 (2r) (bm) of the statutes is repealed and recreated to
2 read:

3 118.40 (2r) (bm) 1. A nonprofit, nonsectarian organization or a consortium of
4 such organizations that wishes to contract with a charter school governing board to
5 operate a charter school shall submit an application to the charter school oversight
6 board. The application shall include all of the following and any other information
7 requested by the board:

8 a. A strategic plan for contracting with charter school governing boards that
9 submit high-quality proposals for charter schools that meet identified educational
10 needs and promote a diversity of educational choices.

11 b. A performance framework for use in supervising and evaluating charter
12 schools that addresses pupil academic proficiency, growth in pupil academic
13 achievement, gaps in achievement between groups of pupils, pupil attendance, the
14 readiness of pupils for postsecondary education, the financial proficiency and
15 sustainability of charter schools, and charter school management.

16 c. An assurance that the organization or consortium will ensure accountability
17 and transparency on the part of those charter school governing boards with which
18 it contracts.

19 d. A plan, including corrective action strategies, designed to improve a charter
20 school under contract with the organization or consortium, or to close such a charter
21 school, based on contractual performance standards.

22 e. A description of the types of charter schools the organization or consortium
23 is seeking to establish, and their potential attendance areas.

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1 f. Information on the organization's or consortium's finances and other
2 resources necessary for the charter school oversight board to determine the
3 applicant's ability to perform its functions under this section.

4 g. A plan for entering into additional contracts in order to replicate successful
5 charter schools.

6 2. The charter school oversight board shall approve or deny an application
7 within 90 days of receiving the application.

8 **SECTION 1780.** 118.40 (2r) (c) of the statutes is repealed and recreated to read:

9 118.40 (2r) (c) 1. An entity under par. (b) 1. may contract for the operation of
10 a charter school located anywhere in this state.

11 4. a. A school board may prohibit a pupil who resides in the school district from
12 attending a charter school established under this subsection unless the school
13 district's membership, as defined in s. 121.004 (5), is at least 4,000 and at least 2
14 public schools in the school district were rated "fails to meet expectations" or "meets
15 few expectations" in the most recent school report published by the department
16 under s. 115.385.

17 b. A pupil who wishes to attend a charter school established under this
18 subsection and who resides in a school district in which the school board may prohibit
19 pupils from attending a charter school established under this subsection shall
20 submit an application to the school board. Within 30 days of receiving the
21 application, the school board shall issue a decision allowing or prohibiting the pupil
22 from attending the charter school.

23 **SECTION 1781.** 118.40 (2r) (cm) of the statutes is repealed.

24 **SECTION 1782.** 118.40 (2r) (e) 1m. of the statutes is repealed.

25 **SECTION 1783.** 118.40 (2r) (e) 2m. of the statutes is amended to read:

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1 118.40 (2r) (e) 2m. In the 2013-14 school year and in each school year
2 thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay
3 to the operator of the charter school an amount equal to the sum of the amount paid
4 per pupil under this paragraph in the previous school year and the per pupil revenue
5 limit adjustment under s. 121.91 (2m) in the current school year, \$7,852 multiplied
6 by the number of pupils attending the charter school. 925

7 SECTION 1784. 118.40 (2r) (e) 2n. of the statutes is created to read:

8 118.40 (2r) (e) 2n. In the 2014-15 school year and in each school year
9 thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay
10 to the operator of the charter school an amount equal to \$7,931 multiplied by the
11 number of pupils attending the charter school. \$8,075

12 SECTION 1785. 118.40 (2r) (e) 3m. of the statutes is amended to read:

13 118.40 (2r) (e) 3m. The amount paid per pupil under this paragraph may not
14 be less than the amount paid per pupil under this paragraph in the previous school
15 year. The department shall pay 25% of the total amount in September, 25% in
16 December, 25% in February, and 25% in June. The department shall send the check
17 to the operator of the charter school.

18 SECTION 1786. 118.40 (2r) (e) 4. of the statutes is repealed.

19 SECTION 1787. 118.40 (2r) (f) of the statutes is created to read:

20 118.40 (2r) (f) A charter school established under this subsection is a local
21 educational agency under 20 USC 6301 to 6578 and as such is eligible for funding as
22 a local educational agency, and shall comply with all requirements of local
23 educational agencies, under 20 USC 6301 to 6578.

24 SECTION 1788. 118.40 (2r) (g) of the statutes is created to read:

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1 118.40 (2r) (g) If a charter school established by contract with an entity under
2 par. (b) 1. a. to d. is in operation on the effective date of this paragraph [LRB inserts
3 date], and the charter school receives a rating of “exceeds expectations” or
4 “significantly exceeds expectations” in the most recent school report published by the
5 department under s. 115.385, the person operating the charter school may open one
6 or more additional charter schools notwithstanding the terms of the existing
7 contract. All provisions of the existing contract, other than any provision that
8 conflicts with this paragraph, apply to the new school or schools unless parties agree
9 to amend the existing contract or enter into a new contract.

10 **SECTION 1789.** 118.40 (3) (a) of the statutes is amended to read:

11 118.40 (3) (a) If the school board grants the petition under sub. (2), the school
12 board shall contract with the person named in the petition under sub. (1m) (b) 1. to
13 operate the school as a charter school under this section. The contract shall include
14 all of the provisions specified in the petition and may include other provisions agreed
15 to by the parties, except as otherwise provided in this section.

16 **SECTION 1790.** 118.40 (3) (b) of the statutes is amended to read:

17 118.40 (3) (b) A contract under par. (a) or under subs. (2m) or (2r) may be for
18 any term not exceeding 5 school years and may be renewed for one or more terms not
19 exceeding 5 school years. The contract shall specify the amount to be paid to the
20 charter school during each school year of the contract, except as provided in par. (i)

21 1.

22 **SECTION 1791.** 118.40 (3) (d) of the statutes is renumbered 118.40 (3m) (a) 3.

23 and amended to read:

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118.40 (3m) (a) 3. ~~A school board or an entity under sub. (2r) (b) shall give~~ Give
preference in awarding contracts for the operation of charter schools to those charter
schools that serve children at risk, as defined in s. 118.153 (1) (a).

SECTION 1792. 118.40 (3) (e) of the statutes is renumbered 118.40 (3m) (a) 2.
and amended to read:

118.40 (3m) (a) 2. When ~~establishing or~~ contracting for the establishment of
a charter school under this section, ~~a school board or entity specified under sub. (2r)~~
~~(b) shall consider~~ adhere to the principles and standards for quality charter schools
established by the National Association of Charter School Authorizers.

SECTION 1793. 118.40 (3) (f) of the statutes is created to read:

118.40 (3) (f) A contract with a school board or an entity under sub. (2r) (b) may
provide for the establishment of more than one charter school, and a charter school
governing board may enter into more than one contract with a school board or entity
under sub. (2r) (b).

SECTION 1794. 118.40 (3) (g) of the statutes is created to read:

118.40 (3) (g) 1. Except as provided in subds. 2. and 3. and sub. (4) (ar) 1., a
contract with a school board or an entity under sub. (2r) (b) shall require that if the
capacity of the charter school is insufficient to accept all pupils who apply, the charter
school shall accept pupils at random.

2. A charter school shall give preference in enrollment to pupils who were
enrolled in the charter school in the previous school year and to siblings of pupils who
are enrolled in the charter school.

3. A charter school may give preference in enrollment to the children of the
charter school's founders, governing board members, and full-time employees, but

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1 the total number of such children given preference may constitute no more than 10
2 percent of the charter school's total enrollment.

3 **SECTION 1795.** 118.40 (3) (i) of the statutes is created to read:

4 118.40 (3) (i) A contract under par. (a) or sub. (2m) in which the charter school
5 is an instrumentality of the school district, as provided in sub. (7), shall do all of the
6 following:

7 1. Specify the amount the school board will pay to the operator of the charter
8 school for each resident pupil attending the charter school. The amount shall be
9 commensurate with the average per pupil cost for the school district.

10 2. Grant the operator of the charter school sole discretion over the charter
11 school's budget, curriculum, and professional development, and notwithstanding
12 sub. (7) (a) and (am), over the hiring of personnel and personnel policies for the
13 charter school, except where a decision in any of these areas affects the health or
14 safety of pupils or staff, as determined by the school board.

15 3. Not impose on the operator of the charter school any requirement in chs. 115
16 to 121 that does not explicitly apply to charter schools.

17 **SECTION 1796.** 118.40 (3m) (title) and (a) (intro.) of the statutes are created to
18 read:

19 118.40 (3m) (title) AUTHORIZING ENTITY DUTIES. (a) (intro.) A school board or
20 entity under sub. (2r) (b) shall do all of the following:

21 **SECTION 1797.** 118.40 (3m) (a) 1. and 4. to 6. of the statutes are created to read:

22 118.40 (3m) (a) 1. Solicit and evaluate charter school applications.

23 4. Approve only high-quality charter school applications that meet identified
24 educational needs and promote a diversity of educational choices.

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SECTION 1797

1 5. In accordance with the terms of each charter school contract, monitor the
2 performance and compliance with this section of each charter school with which it
3 contracts.

4 6. Annually, submit to the state superintendent and to the legislature under
5 s. 13.172 (2) a report that includes all of the following:

6 a. An identification of each charter school operating under contract with it,
7 each charter school that operated under a contract with it but had its contract
8 nonrenewed or revoked or that closed, and each charter school under contract with
9 it that has not yet begun to operate.

10 b. The academic and financial performance of each charter school operated
11 under contract with it.

12 c. The operating costs of the school board or entity under sub. (2r) (b) incurred
13 under subds. 1. to 5., detailed in an audited financial statement prepared in
14 accordance with generally accepted accounting principles.

15 d. The services the school board or entity under sub. (2r) (b) has provided to the
16 charter schools under contract with it and an itemized accounting of the cost of the
17 services.

18 **SECTION 1798.** 118.40 (3m) (b) of the statutes is created to read:

19 118.40 (3m) (b) An organization or consortium approved by the charter school
20 oversight board under sub. (2r) (bm) annually shall submit a report to the charter
21 school oversight board that includes all the information specified in par. (a) 6.

22 **SECTION 1799.** 118.40 (4) (title) of the statutes is amended to read:

23 118.40 (4) (title) CHARTER SCHOOL GOVERNING BOARD; DUTIES, POWERS, AND
24 RESTRICTIONS.

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SECTION 1800

1 **SECTION 1800.** 118.40 (4) (a) of the statutes is renumbered 118.40 (4) (ar), and
2 118.40 (4) (ar) (intro.), as renumbered, is amended to read:

3 118.40 (4) (ar) *Duties.* (intro.) A charter school governing board shall do all of
4 the following:

5 **SECTION 1801.** 118.40 (4) (ag) of the statutes is created to read:

6 118.40 (4) (ag) *Governing board.* Each charter school shall be governed by a
7 governing board that is a party to the contract with the authorizing entity. No more
8 than a minority of the governing board's members may be employees of the charter
9 school or employees or officers of the school district in which the charter school is
10 located.

11 **SECTION 1802.** 118.40 (4) (b) (intro.) of the statutes is amended to read:

12 118.40 (4) (b) *Restrictions.* (intro.) A charter school governing board may not
13 do any of the following:

14 **SECTION 1803.** 118.40 (4) (b) 2. of the statutes is amended to read:

15 118.40 (4) (b) 2. Except as provided in ~~par. (e)~~ sub. (3) (h), discriminate in
16 admission or deny participation in any program or activity on the basis of a person's
17 sex, race, religion, national origin, ancestry, pregnancy, marital or parental status,
18 sexual orientation or physical, mental, emotional or learning disability.

19 **SECTION 1804.** 118.40 (4) (c) of the statutes is renumbered 118.40 (3) (h) and
20 amended to read:

21 118.40 (3) (h) ~~*Single-sex schools and courses.*~~ A school board may enter into
22 a contract for, and an entity under sub. (2r) may establish or enter into a contract for,
23 the establishment of establish a charter school that enrolls only one sex or that
24 provides one or more courses that enroll only one sex if the school board or entity
25 under sub. (2r) makes available to the opposite sex, under the same policies and

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1 criteria of admission, schools or courses that are comparable to each such school or
2 course.

3 **SECTION 1805.** 118.40 (4) (d) of the statutes is created to read:

4 118.40 (4) (d) *Powers.* Subject to the terms of its contract, a charter school
5 governing board has all the powers necessary to carry out the terms of its contract,
6 including the following:

7 1. To receive and disburse funds for school purposes.

8 2. To secure appropriate insurance.

9 3. To enter into contracts, including contracts with a University of Wisconsin
10 institution or college campus, technical college district board, or private college or
11 university, for technical or financial assistance, academic support, curriculum
12 review, or other services.

13 4. To incur debt in reasonable anticipation of the receipt of funds.

14 5. To pledge, assign, or encumber its assets to be used as collateral for loans or
15 extensions of credit.

16 6. To solicit and accept gifts or grants for school purposes.

17 7. To acquire real property for its use.

18 8. To sue and be sued in its own name.

19 **SECTION 1806.** 118.40 (6) of the statutes is amended to read:

20 118.40 (6) PROGRAM VOLUNTARY. No Unless all of the public schools in a school
21 district have been converted to charter schools under sub. (2) (b) or (2m) (b), no pupil
22 may be required to attend a charter school without his or her approval, if the pupil
23 is an adult, or the approval of his or her parents parent or legal guardian, if the pupil
24 is a minor.

25 **SECTION 1807.** 118.40 (7) (ar) of the statutes is amended to read:

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SECTION 1807

1 118.40 (7) (ar) Nothing in this ~~subsection~~ section affects the rights of personnel
2 of a charter school that is an instrumentality of a school district to engage in
3 collective bargaining pursuant to subch. IV of ch. 111.

4 **SECTION 1808.** 118.40 (8) (b) 3. of the statutes is created to read:

5 118.40 (8) (b) 3. The department may not require a person licensed as provided
6 under subd. 1. to complete professional development not required of any other
7 individual required to be licensed under s. 118.19.

8 **SECTION 1809.** 118.51 (1) (a) of the statutes is renumbered 118.51 (1) (ag).

9 **SECTION 1810.** 118.51 (1) (ad) of the statutes is created to read:

10 118.51 (1) (ad) "Charter school" excludes a school under contract with an entity
11 under s. 118.40 (2r) (b).

12 **SECTION 1811.** 118.52 (title) of the statutes is repealed and recreated to read:

13 **118.52 (title) Course options.**

14 **SECTION 1812.** 118.52 (1) (a) of the statutes is renumbered 118.52 (1) (ar).

15 **SECTION 1813.** 118.52 (1) (am) of the statutes is created to read:

16 118.52 (1) (am) "Educational institution" includes a public school in a
17 nonresident school district, the University of Wisconsin System, a technical college,
18 a nonprofit institution of higher education, a tribal college, a charter school, and any
19 nonprofit organization that has been approved by the department.

20 **SECTION 1814.** 118.52 (2) of the statutes is amended to read:

21 118.52 (2) APPLICABILITY. ~~Beginning in the 1998-99 school year, a~~ A pupil
22 enrolled in a public school ~~in the high school grades may attend public school in a~~
23 nonresident school district an educational institution under this section for the
24 purpose of taking a course offered by the ~~nonresident school district~~ educational

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1 institution. A pupil may attend no more than 2 courses at any time ~~in nonresident~~
2 ~~school districts~~ at educational institutions under this section.

3 **SECTION 1815.** 118.52 (3) (a) of the statutes is amended to read:

4 118.52 (3) (a) The parent of a pupil who wishes to attend ~~public school in a~~
5 ~~nonresident school district~~ an educational institution for the purpose of taking a
6 course under this section shall submit an application, on a form provided by the
7 department, to the ~~school board of the nonresident school district in which~~
8 educational institution at which the pupil wishes to attend a course not later than
9 6 weeks prior to the date on which the course is scheduled to commence. The
10 application shall specify the course that the pupil wishes to attend and may specify
11 the school or schools at which the pupil wishes to attend the course. ~~The nonresident~~
12 ~~school board~~ educational institution shall send a copy of the application to the pupil's
13 resident school board.

14 **SECTION 1816.** 118.52 (3) (b) of the statutes is amended to read:

15 118.52 (3) (b) ~~If a nonresident school board~~ an educational institution receives
16 more applications for a particular course than there are spaces available in the
17 course, the ~~nonresident school board~~ educational institution shall determine which
18 pupils to accept on a random basis.

19 **SECTION 1817.** 118.52 (3) (c) of the statutes is amended to read:

20 118.52 (3) (c) No later than one week prior to the date on which the course is
21 scheduled to commence, the ~~nonresident school board~~ educational institution shall
22 notify the applicant and the resident school board, in writing, whether the
23 application has been accepted and, if the application is accepted, the school at which
24 the pupil may attend the course. The acceptance applies only for the following
25 semester, school year or other session in which the course is offered. If the

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SECTION 1817

1 ~~nonresident school board~~ educational institution rejects an application, it shall
2 include in the notice the reason for the rejection.

3 **SECTION 1818.** 118.52 (3) (d) 1. of the statutes is amended to read:

4 118.52 (3) (d) 1. If it denies an application to attend ~~public school in a~~
5 ~~nonresident school district~~ an educational institution under sub. (6), notify the
6 applicant and the ~~nonresident school board~~ educational institution, in writing, that
7 the application has been denied and include in the notice the reason for the rejection.

8 **SECTION 1819.** 118.52 (3) (e) of the statutes is amended to read:

9 118.52 (3) (e) Following receipt of a notice of acceptance but prior to the date
10 on which the course is scheduled to commence, the pupil's parent shall notify the
11 resident school board and ~~nonresident school board~~ the educational institution of the
12 pupil's intent to attend the course ~~in~~ at the ~~nonresident school district~~ educational
13 institution.

14 **SECTION 1820.** 118.52 (6) (a) of the statutes is amended to read:

15 118.52 (6) (a) *Individualized education program requirements.* The school
16 board of a pupil's resident school district shall reject a pupil's application to attend
17 a course ~~in a public school in a nonresident school district~~ at an educational
18 institution if the resident school board determines that the course conflicts with the
19 individualized education program for the pupil under s. 115.787 (2).

20 **SECTION 1821.** 118.52 (6) (b) of the statutes is repealed.

21 **SECTION 1822.** 118.52 (6) (c) of the statutes is created to read:

22 118.52 (6) (c) *Pupil plan; high school graduation requirements.* The school
23 board of a pupil's resident school district may reject an application by a pupil to
24 attend a course at an educational institution if the resident school board determines
25 that any of the following apply:

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SECTION 1822

1 1. The course does not satisfy a high school graduation requirement under s.
2 118.33.

3 2. The course does not conform to or support the pupil's academic and career
4 plan under s. 115.28 (59) (a), if any.

5 **SECTION 1823.** 118.52 (8) of the statutes is amended to read:

6 118.52 (8) APPEAL OF REJECTION. If an application is rejected under sub. (5) (3)
7 (c) or a pupil is prohibited from attending a course ~~in a public school in a nonresident~~
8 ~~school district~~ at an educational institution under sub. (6), the pupil's parent may
9 appeal the decision to the department within 30 days after the decision. The
10 department shall affirm the ~~school board's~~ decision unless the department finds that
11 the decision was arbitrary or unreasonable. The department's decision is final and
12 is not subject to judicial review under subch. III of ch. 227.

13 **SECTION 1824.** 118.52 (9) of the statutes is amended to read:

14 118.52 (9) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a
15 course ~~in a public school in a nonresident school district~~ at an educational institution
16 under this section has all of the rights and privileges of other pupils ~~residing in that~~
17 ~~school district~~ attending the educational institution and is subject to the same rules
18 and regulations as those pupils ~~residing in that school district~~.

19 **SECTION 1825.** 118.52 (10) of the statutes is amended to read:

20 118.52 (10) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident
21 school board shall provide to the ~~nonresident school board~~ educational institution to
22 which a pupil has applied under this section, upon request by that ~~school board~~
23 educational institution, a copy of any expulsion findings and orders, a copy of records
24 of any pending disciplinary proceeding involving the pupil, a written explanation of
25 the reasons for the expulsion or pending disciplinary proceeding and the length of

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SECTION 1825

1 the term of the expulsion or the possible outcomes of the pending disciplinary
2 proceeding.

3 **SECTION 1826.** 118.52 (11) (a) and (b) of the statutes are amended to read:

4 118.52 (11) (a) *Responsibility.* The parent of a pupil attending a course in a
5 ~~public school in a nonresident school district~~ at an educational institution under this
6 section is responsible for transporting the pupil to and from the course that the pupil
7 is attending.

8 (b) *Low-income assistance.* The parent of a pupil who is attending a course in
9 ~~a public school in a nonresident school district~~ at an educational institution under
10 this section may apply to the department for reimbursement of the costs incurred by
11 the parent for the transportation of the pupil to and from the pupil's residence or
12 school in which the pupil is enrolled and the ~~school at which~~ educational institution
13 that the pupil is attending for the course if the pupil and parent are unable to pay
14 the cost of such transportation. The department shall determine the reimbursement
15 amount and shall pay the amount from the appropriation under s. 20.255 (2) (cy).
16 The department shall give preference under this paragraph to those pupils who are
17 eligible for a free or reduced-price lunch under 42 USC 1758 (b).

18 **SECTION 1827.** 118.52 (12) of the statutes is amended to read:

19 118.52 (12) TUITION. The resident school board shall pay to the nonresident
20 ~~school board~~ educational institution, for each resident pupil attending a course in a
21 ~~public school in the nonresident school district~~ at the educational institution under
22 this section, an amount equal to the cost of providing the course to the pupil,
23 calculated in a manner determined by the department. The educational institution
24 may not charge to or receive from the pupil or the pupil's resident school board any

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SECTION 1827

1 additional payment for a pupil attending a course at the educational institution
2 under this section.

3 **SECTION 1828.** 118.53 of the statutes is created to read:

4 **118.53 Attendance by pupils enrolled in a home-based private**
5 **educational program.** (1) In this section, "course" means study which has the
6 fundamental purposes of developing the knowledge, concepts, and skills in a subject.

7 (2) In addition to the standards for admission under ss. 118.14, 118.145 (1), and
8 120.12 (25), the school board of a district shall determine the minimum standards
9 for admission to a course offered by the school district at each grade.

10 (3) A school board shall allow a pupil enrolled in a home-based private
11 educational program, who has met the standards for admission to the course under
12 sub. (2), to attend up to 2 courses at a public school in the district during each school
13 semester if the school board determines that there is sufficient space in the
14 classroom.

15 (4) A pupil enrolled in a home-based private educational program and
16 attending a public school under this section may attend one course in each of 2 school
17 districts, but may not attend more than 2 courses in any semester.

18 **SECTION 1829.** 118.60 (title) of the statutes is amended to read:

19 **118.60 (title) Parental choice programs program for eligible school**
20 **districts, and other school districts** (B)

21 **SECTION 1830.** 118.60 (1) (am) (intro.) of the statutes is amended to read:

22 118.60 (1) (am) (intro.) "Eligible school district" means a school district that,
23 subject to sub. (1m), satisfies all any of the following:

24 ~~**SECTION 1831.** 118.60 (1) (am) 1. of the statutes is renumbered 118.60 (1) (am)~~

25 lg. a.

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SECTION 1832

1 **SECTION 1832.** 118.60 (1) (am) 1g. (intro.) of the statutes is created to read:

2 118.60 (1) (am) 1g. (intro.) Subject to sub. (1m) (a), the school district satisfies
3 all of the following:

4 **SECTION 1833.** 118.60 (1) (am) 1r. of the statutes is created to read:

5 118.60 (1) (am) 1r. The school district satisfies all of the following:

6 a. The number of pupils enrolled in the school district equals or exceeds 4,000.

7 In this subd. 1r. a., the number of pupils means the number of pupils as counted
8 under s. 121.004 (7).

9 b. Subject to sub. (1m) (b) 2., 2 or more public schools in the school district were
10 placed in the same school year in a performance category of either "fails to meet
11 expectations" or "meets few expectations," or the equivalent lowest performance
12 categories, on an accountability report issued by the department under s. 115.385 (1).

13 **SECTION 1834.** 118.60 (1) (am) 2. of the statutes is renumbered 118.60 (1) (am)
14 1g. b.

15 **SECTION 1835.** 118.60 (1) (am) 3. of the statutes is renumbered 118.60 (1) (am)
16 1g. c.

17 **SECTION 1836.** 118.60 (1) (am) 4. of the statutes is renumbered 118.60 (1) (am)
18 1g. d.

19 **SECTION 1837.** 118.60 (1m) of the statutes is renumbered 118.60 (1m) (a) and
20 amended to read:

21 118.60 (1m) (a) By For an eligible school district under sub. (1) (am) 1g., by
22 November 15 of the 2nd fiscal year of each fiscal biennium, the department shall
23 prepare a list that identifies eligible school districts. The department shall post the
24 list on the department's Internet site and shall notify in writing the school district
25 clerk of each eligible school district. A school district that has qualified as an eligible

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SECTION 1837

1 school district under ~~this section~~ sub. (1) (am) 1g. on April 20, 2012, shall remain an
2 eligible school district, but no school district may qualify as an eligible school district
3 under sub. (1) (am) 1g. after April 20, 2012.

4 **SECTION 1838.** 118.60 (1m) (b) of the statutes is created to read:

5 118.60 (1m) (b) 1. Subject to subd. 2., for an eligible school district under sub.
6 (1) (am) 1r., within 10 days after the department publishes, for at least 2 schools in
7 a school district, accountability reports under s. 115.385 (1) that place the schools in
8 a performance category of "fails to meet expectations" or "meets few expectations,"
9 or the equivalent lowest performance categories, the department shall publish a
10 notice on the department's Internet site that identifies that school district as an
11 eligible school district for the immediately following school year, and shall notify in
12 writing the school district clerk of the eligible school district.

13 2. A school district identified as an eligible school district under subd. 1. ceases
14 to be an eligible school district if, at the time at which any subsequent accountability
15 reports are published by the department under s. 115.385 (1), no school or only one
16 school in the school district is placed in a performance category of "fails to meet
17 expectations" or "meets few expectations," or the equivalent lowest performance
18 categories, and the school district did not qualify as an eligible school district, as
19 required under sub. (2) (bg), in the last school year in which the school district
20 satisfied the requirements under subd. 1. The department shall, within 10 days after
21 the department publishes the subsequent accountability reports, remove from the
22 list of eligible school districts on the department's Internet site any such school
23 district, and shall notify the school district clerk in writing of the change in eligibility
24 status. This subdivision does not preclude a school district from becoming an eligible
25 school district under sub. (1) (am) 1r. in a subsequent school year.

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SECTION 1839

1 **SECTION 1839.** 118.60 (2) (a) (intro.) of the statutes is amended to read:

2 ~~118.60 (2) (a) (intro.) Subject to par. (b) pars. (bg) and (br), any pupil in grades~~
3 ~~kindergarten to 12 who resides within an eligible school district may attend any~~
4 ~~private school if all of the following apply:~~

5 **SECTION 1840.** 118.60 (2) (a) 3. a. of the statutes is amended to read:

6 118.60 (2) (a) 3. a. Except as provided in subd. 3. b. and c., the private school
7 notified the state superintendent of its intent to participate in the program under
8 this section or in the program under s. 119.23, and paid the nonrefundable fee, set
9 by the department as required under s. 119.23 (2) (a) 3., by February 1 of the previous
10 school year. The notice shall specify the number of pupils participating in the
11 program under this section and in the program under s. 119.23 for which the school
12 has space.

13 **SECTION 1841.** 118.60 (2) (a) 3. c. of the statutes is created to read:

14 ~~118.60 (2) (a) 3. c. For a participating private school, or a private school that~~
15 ~~is a first-time participant in the program under this section, that intends to~~
16 ~~participate in the program under this section and to accept pupils who reside within~~
17 ~~a school district in the first school year in which that school district is identified as~~
18 ~~an eligible school district under sub. (1m) (b) 1., the private school notified the state~~
19 ~~superintendent of its intent to participate in the program under this section, and~~
20 ~~paid the nonrefundable fee set by the department as required under s. 119.23 (2) (a)~~
21 ~~3., by August 1 of the school year in which the private school intends to participate.~~
22 ~~The notice shall specify the number of pupils participating in the program under this~~
23 ~~section for which the school has space.~~

24 **SECTION 1842.** 118.60 (2) (a) 6. c. of the statutes is amended to read:

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SECTION 1842

1 118.60 (2) (a) 6. c. Any teacher employed by the private school on July 1 of the
2 first school year that begins after a school district is identified as an eligible school
3 district under sub. (1m) (b) 1. and qualifies as an eligible school district under par.
4 (bg), or is identified as an eligible school district under 2011 Wisconsin Act 32, section
5 9137 (3u), who has been teaching for at least the 5 consecutive years immediately
6 preceding that July 1, and who does not satisfy the requirements under subd. 6. a.
7 on that July 1, applies to the department on a form prepared by the department for
8 a temporary, nonrenewable waiver from the requirements under subd. 6. a. The
9 department shall promulgate rules to implement this subd. 6. c., including the form
10 of the application and the process by which the waiver application will be reviewed.
11 The application form shall require the applicant to submit a plan for satisfying the
12 requirements under subd. 6. a., including the name of the accredited institution of
13 higher education at which the teacher is pursuing or will pursue the bachelor's
14 degree and the anticipated date on which the teacher expects to complete the
15 bachelor's degree. No waiver granted under this subd. 6. c. is valid after July 31 of
16 the 5th school year that begins after a school district is both identified as an eligible
17 school district under sub. (1m) (b) 1. and qualifies as an eligible school district under
18 par. (bg) or is identified as an eligible school district under 2011 Wisconsin Act 32,
19 section 9137 (3u).

20 **SECTION 1843.** 118.60 (2) (a) 7. of the statutes is amended to read:

21 118.60 (2) (a) 7. For a private school that is a first-time participant in the
22 program under this section or in the program under s. 119.23, and that is not
23 accredited by Wisconsin North Central Association, Wisconsin Religious and
24 Independent School Accreditation, Independent Schools Association of the Central
25 States, Wisconsin Evangelical Lutheran Synod School Accreditation, National

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SECTION 1843

Wisconsin Association
of Christian Schools

1 Lutheran School Accreditation, the diocese or archdiocese within which the private
2 school is located, or by any other organization recognized by the National Council for
3 Private Schools Accreditation, the private school obtains preaccreditation by the
4 Institute for the Transformation of Learning at Marquette University, Wisconsin
5 North Central Association, Wisconsin Religious and Independent Schools
6 Accreditation, Independent Schools Association of the Central States, Wisconsin
7 Evangelical Lutheran Synod School Accreditation, National Lutheran School
8 Accreditation, or the diocese or archdiocese within which the private school is located
9 by ~~September~~ August 1 before the first school term of participation in the program
10 under this section or in the program under s. 119.23 that begins after ~~August 31,~~
11 2011, by July 1, 2013; August 1 ~~15~~ before the first school term of participation in the
12 program under this section that begins in the first school year that begins after a
13 school district is identified as an eligible school district under sub. (1m) ~~(b)~~; or by May
14 1 if the private school begins participation in the program under this section or in the
15 program under s. 119.23 during summer school. In any school year, a private school
16 may apply for and seek to obtain preaccreditation from only one of the entities
17 enumerated in this subdivision. A private school that fails to obtain ~~accreditation~~
18 preaccreditation in a school year may apply for and seek to obtain preaccreditation
19 from one of the entities enumerated in this subdivision in the following school year.
20 The private school shall achieve accreditation by Wisconsin North Central
21 Association, Wisconsin Religious and Independent Schools Accreditation,
22 Independent Schools Association of the Central States, Wisconsin Evangelical
23 Lutheran Synod School Accreditation, National Lutheran School Accreditation, the
24 diocese or archdiocese within which the private school is located, or any other
25 organization recognized by the National Council for Private School Accreditation, by

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SECTION 1843

1 December 31 of the 3rd school year following the first school year in which the private
2 school begins participation in the program under this section. If the private school
3 is accredited under this subdivision, the private school is not required to obtain
4 preaccreditation as a prerequisite to providing instruction under this section in
5 additional grades or in an additional or new school.

6 **SECTION 1844.** 118.60 (2) (b) of the statutes is repealed.

7 **SECTION 1845.** 118.60 (2) (bg) of the statutes is created to read:

8 118.60 (2) (bg) 1. No pupil who resides in a school district identified as an
9 eligible school district under sub. (1m) (b) 1. may attend a private school under this
10 section until that school district qualifies as an eligible school district under this
11 paragraph. A school district qualifies as an eligible school district under this
12 paragraph if no later than August 15 immediately following the date on which the
13 department identified the school district as an eligible school district under sub. (1m)
14 (b) 1., at least 20 pupils who reside in the school district apply to attend a private
15 school under this section and simultaneously notify the department that they have
16 applied to attend a private school under this section. Pupils applying to attend a
17 private school that is a first-time participant in the program under this section and
18 that has not obtained preaccreditation as required under par. (a) 7. may not be
19 counted towards the 20 pupils required for an eligible school district to qualify as an
20 eligible school district under this section.

21 2. The department shall, no later than 5 days after receiving notice from private
22 schools regarding acceptance of pupils as required under sub. (3) (a), determine
23 whether any school district identified as an eligible school district under sub. (1m)
24 (b) 1. qualifies as an eligible school district under this paragraph, and shall publish
25 on the department's Internet site a list of any such qualifying eligible school districts.

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SECTION 1845

1 3. A school district that qualifies as an eligible school district under this
2 paragraph shall remain qualified under this paragraph.

3 **SECTION 1846.** 118.60 (2) (br) of the statutes is created to read:

4 118.60 (2) (br) 1. In the 2013-14 school year, no more than a total of 500 pupils
5 residing in school districts identified as eligible school districts under sub. (1m) (b)
6 1. and qualifying as eligible school districts under par. (bg) may attend private
7 schools under this section. In this paragraph, the number of pupils means the
8 number of pupils as counted under s. 121.004 (7). Participating private schools shall
9 give priority to pupils who were eligible for a free or reduced-price lunch in the
10 federal school lunch program under 42 USC 1758 (b) in the immediately preceding
11 school year.

12 2. In the 2014-15 school year, no more than a total of 1,000 pupils residing in
13 school districts identified as eligible school districts under sub. (1m) (b) 1. and
14 qualifying as eligible school districts under par. (bg) may attend private schools
15 under this section. Participating private schools shall give priority to pupils who
16 attended a private school under subd. 1.

17 3. Whenever the state superintendent determines that the limit is reached
18 under subd. 1. or 2., he or she shall issue an order prohibiting the participating
19 private schools from accepting additional pupils from school districts identified as
20 eligible school districts under sub. (1m) (b) 1. and qualifying as eligible school
21 districts under par. (bg) until he or she determines that the number of pupils
22 attending private schools under this section from those school districts has fallen
23 below the limit. If the number of pupils attending private schools under this section
24 falls below the limit under this paragraph, the state superintendent shall issue an
25 order notifying participating private schools that they may begin accepting

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SECTION 1846

1 additional pupils from those school districts, and, notwithstanding sub. (3) (a),
2 participating private schools that wish to accept additional pupils under this section
3 shall accept pupils as follows:

4 a. The private school shall give first priority to pupils in a school district
5 identified as an eligible school district under sub. (1m) (b) 1. and qualifying as an
6 eligible school district under sub. (2) (bg) who are attending a private school under
7 this section.

8 b. The private school shall give 2nd priority to the siblings of pupils who are
9 attending a private school under this section from that school district.

10 c. The private school shall give 3rd priority to pupils selected at random under
11 a procedure established by the department by rule.

12 **SECTION 1847.** 118.60 (3) (a) of the statutes is renumbered 118.60 (3) (a) (intro.)
13 and amended to read:

14 118.60 (3) (a) (intro.) The pupil or the pupil's parent or guardian shall submit
15 an application, on a form provided by the state superintendent, to the participating
16 private school that the pupil wishes to attend. If more than one pupil from the same
17 family applies to attend the same private school, the pupils may use a single
18 application. Within 60 days after receiving the application, the private school shall
19 notify each applicant, in writing, whether his or her application has been accepted.

20 except that in the first school year in which a school district is identified as an eligible
21 school district under sub. (1m) (b) 1., a private school that has notified the
22 department of its intent to participate in the program under this section as required
23 under sub. (2) (a) 3. c. shall notify each applicant, in writing, whether his or her
24 application has been accepted within 7 days after receiving the application, and shall
25 simultaneously notify the department whether the pupil has been accepted. If the

Except as provided in pars. (ag) and (ar), the

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ALL:all:all

SECTION 1847

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Subject to pars. (ag) and (ar), a private

1 private school rejects an application, the notice shall include the reason. ~~A private~~
2 school may reject an applicant only if it has reached its maximum general capacity
3 or seating capacity. ~~The~~ state superintendent shall ensure that the private school
4 determines which pupils to accept on a random basis, except that the private school
5 may give preference in accepting applications to ~~siblings of pupils accepted on a~~
6 ~~random basis.~~ any of the following:

7 **SECTION 1848.** 118.60 (3) (a) 1. to 3. of the statutes are created to read:

8 118.60 (3) (a) 1. Pupils who attended the private school ^{under this section} during the school year
9 prior to the school year for which the application is being made.

10 2. Siblings of pupils who attended the private school during the school year
11 prior to the school year for which the application is being made and to siblings of
12 pupils who have been accepted to the private school for the school year for which the
13 application is being made.

14 3. Pupils who attended another private school under this section or s. 119.23
15 during the school year prior to the school year for which the application is being
16 made.

17 **SECTION 1849.** 118.60 (4) (b) of the statutes is repealed.

18 **SECTION 1850.** 118.60 (4) (bg) of the statutes is renumbered 118.60 (4) (bg) 1.
19 and amended to read:

20 118.60 (4) (bg) 1. In the ~~2011-12 and 2012-13~~ 2013-14 school years year, upon
21 receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the
22 private school during a school term, the state superintendent shall pay to the private
23 school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from
24 the appropriation under s. 20.255 (2) (fr), an amount equal to the private school's

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SECTION 1850

Except as provided in
subd. 4.5

1 operating and debt service cost per pupil that is related to educational programming,
2 as determined by the department, or \$6,442, whichever is less.

3 **SECTION 1851.** 118.60 (4) (bg) 2. of the statutes is created to read:

4 118.60 (4) (bg) 2. In the 2014-15 school year and in each school year thereafter,
5 upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in
6 the private school during a school term, the state superintendent shall pay to the
7 private school in which the pupil is enrolled on behalf of the pupil's parent or
8 guardian, from the appropriation under s. 20.255 (2) (fr), the lesser of an amount
9 equal to the private school's operating and debt service cost per pupil that is related
10 to educational programming, as determined by the department, or an amount either
11 of \$7,050, if the pupil is enrolled in a grade from kindergarten to 8, or of \$7,856, if
12 the pupil is enrolled in a grade from 9 to 12.

13 **SECTION 1852.** 118.60 (4) (d) (intro.) of the statutes is amended to read:

14 118.60 (4) (d) (intro.) In determining a private school's operating and debt
15 service cost per pupil under par. (b) 1. (bg) and sub. (4m) (a), the department shall
16 do all of the following: 846-16 (move)

17 **SECTION 1853.** 118.60 (4r) (a) of the statutes is amended to read:

18 118.60 (4r) (a) Multiply the amount determined under sub. (4) (b) or (bg) by
19 0.616.

20 **SECTION 1854.** 118.60 (4s) of the statutes is created to read:

21 118.60 (4s) Notwithstanding subs. (4), (4m), and (4r), a pupil attending a
22 private school participating in the program under this section who is receiving a
23 scholarship under s. 115.7915 shall not be counted as a pupil attending the private
24 school under this section under sub. (4), (4m), or (4r).

25 **SECTION 1855.** 118.60 (5) of the statutes is amended to read:

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SECTION 1855

this state

1 118.60 (5) The state superintendent shall ensure that pupils and parents and
2 guardians of pupils who reside in ~~an eligible school district~~ are informed annually
3 of the private schools participating in the program under this section and in the
4 program under s. 119.23.

5 **SECTION 1856.** 118.60 (7) (am) 1. of the statutes is amended to read:

6 118.60 (7) (am) 1. An independent financial audit of the private school
7 conducted by an independent certified public accountant, accompanied by the
8 auditor's statement that the report is free of material misstatements and fairly
9 presents pupil costs under sub. (4) ~~(b)~~ 1 (bg). The audit under this subdivision shall
10 be limited in scope to those records that are necessary for the department to make
11 payments under subs. (4) and (4m). The auditor shall conduct his or her audit,
12 including determining sample sizes and evaluating financial viability, in accordance
13 with the auditing standards established by the American Institute of Certified
14 Public Accountants. The department may not require an auditor to comply with
15 standards that exceed the scope of the standards established by the American
16 Institute of Certified Public Accountants.

17 **SECTION 1857.** 118.60 (10) (a) 3. of the statutes is amended to read:

18 118.60 (10) (a) 3. Failed to refund to the state any overpayment made under
19 s. 118.60 (4) (b), 2011 stats., or s. 118.60 (4) (bg), 2011 stats., or under sub. (4) (b) or
20 (bg) or (4m) by the date specified by department rule.

21 **SECTION 1858.** 119.04 (1) of the statutes is amended to read:

22 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
23 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
24 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
25 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145

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SECTION 1858

(4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.53, 118.55, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

SECTION 1859. 119.23 (2) (a) 3. of the statutes is amended to read:

119.23 (2) (a) 3. ~~Except as provided in subd. 3m. b., the~~ private school notified the state superintendent of its intent to participate in the program under this section or in the program under s. 118.60, and paid ~~a~~ ^{The} the nonrefundable annual fee set by the department, by February 1 of the previous school year. The notice shall specify the number of pupils participating in the program under this section and in the program under s. 118.60 for which the school has space. The department shall by rule set the fee charged under this subdivision at an amount such that the total fee revenue covers the costs of employing one full-time auditor to evaluate the financial information submitted by private schools under sub. (7) (am) and (d) 2. and 3. and under s. 118.60 (7) (am) and (d) 2. and 3.

SECTION 1860. 119.23 (2) (a) 7. b. of the statutes is amended to read:

119.23 (2) (a) 7. b. Subject to subd. 7. c. and d., for a private school that is a first-time participant in the program under this section or in the program under s. 118.60 on or after July 1, 2009, and that is not accredited as provided under subd. 7. a., the private school obtains preaccreditation by the Institute for the Transformation of Learning at Marquette University, Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical

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SECTION 1860

1 Lutheran Synod School Accreditation, National Lutheran School Accreditation, or
2 the diocese or archdiocese within which the private school is located by August 1
3 before the first school term of participation in the program under this section that
4 begins after July 1, 2009, July 1, 2013; by August 15 before the first school term of
5 participation in the program under s. 118.60 that begins in the first school year that
6 begins after a school district is identified as an eligible school district under s. 118.60
7 (1m)(b); or by May 1 if the private school begins participating in the program under
8 this section or in the program under s. 118.60 during summer school. In any school
9 year, a private school may apply for and seek to obtain preaccreditation from only one
10 of the entities enumerated in this subd. 7. b. A private school that fails to obtain
11 accreditation in a school year may apply for and seek to obtain preaccreditation from
12 one of the entities enumerated in this subd. 7. b. in the following school year. The
13 private school shall achieve accreditation by Wisconsin North Central Association,
14 Wisconsin Religious and Independent Schools Accreditation, Independent Schools
15 Association of the Central States, Wisconsin Evangelical Lutheran Synod School
16 Accreditation, National Lutheran School Accreditation, the diocese or archdiocese
17 within which the private school is located, or any other organization recognized by
18 the National Council for Private School Accreditation, by December 31 of the 3rd
19 school year following the first school year that begins after July 1, 2009, in which it
20 participates in the program under this section or in the program under s. 118.60. If
21 the private school is accredited under this subd. 7. b., the private school is not
22 required to obtain preaccreditation as a prerequisite to providing instruction under
23 this section in additional grades or in an additional or new school.

24 SECTION 1861. 119.23 (2) (a) 7. c. of the statutes is amended to read:

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SECTION 1861

1 119.23 (2) (a) 7. c. On or after July 1, 2009, a private school participating or
2 seeking to participate in the program under this section or in the program under s.
3 118.60 may not apply for accreditation by the Institute for the Transformation of
4 Learning at Marquette University, except that a private school that has applied for
5 accreditation to the Institute for the Transformation of Learning at Marquette
6 University before July 1, 2009, may complete the accreditation process with the
7 Institute for the Transformation of Learning at Marquette University, and may seek
8 renewal of accreditation from the Institute for the Transformation of Learning at
9 Marquette University.

10 **SECTION 1862.** 119.23 (3) (a) of the statutes is renumbered 119.23 (3) (a) (intro.)
11 and amended to read:

12 119.23 (3) (a) (intro.) The pupil or the pupil's parent or guardian shall submit
13 an application, on a form provided by the state superintendent, to the participating
14 private school that the pupil wishes to attend. If more than one pupil from the same
15 family applies to attend the same private school, the pupils may use a single
16 application. Within 60 days after receiving the application, the private school shall
17 notify each applicant, in writing, whether his or her application has been accepted.
18 If the private school rejects an application, the notice shall include the reason. A
19 private school may reject an applicant only if it has reached its maximum general
20 capacity or seating capacity. The state superintendent shall ensure that the private
21 school determines which pupils to accept on a random basis, except that the private
22 school may give preference in accepting applications ~~to siblings of pupils accepted on~~
23 ~~a random basis.~~ to any of the following:

24 **SECTION 1863.** 119.23 (3) (a) 1. to 3. of the statutes are created to read:

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SECTION 1863

under this section

1 119.23 (3) (a) 1. Pupils who attended the private school during the school year
2 prior to the school year for which the application is being made.

3 2. Siblings of pupils who attended the private school during the school year
4 prior to the school year for which the application is being made and to siblings of
5 pupils who have been accepted to the private school for the school year for which the
6 application is being made.

7 3. Pupils who attended another private school under this section or s. 118.60
8 during the school year prior to the school year for which the application is being
9 made.

10 SECTION 1864. 119.23 (4) (b) of the statutes is repealed.

11 SECTION 1865. 119.23 (4) (bg) of the statutes is renumbered 119.23 (4) (bg) 1.
12 and amended to read:

13 119.23 (4) (bg) 1. In the ~~2011-12 and 2012-13~~ 2013-14 school years year, upon
14 receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the
15 private school during a school term, the state superintendent shall pay to the private
16 school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from
17 the appropriation under s. 20.255 (2) (fu), an amount equal to the private school's
18 operating and debt service cost per pupil that is related to educational programming,
19 as determined by the department, or \$6,442, whichever is less.

20 SECTION 1866. 119.23 (4) (bg) 2. of the statutes is created to read:

21 119.23 (4) (bg) 2. In the 2014-15 school year and in each school year thereafter,
22 upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in
23 the private school during a school term, the state superintendent shall pay to the
24 private school in which the pupil is enrolled on behalf of the pupil's parent or
25 guardian, from the appropriation under s. 20.255 (2) (fu), the lesser of an amount

Except as provided in subd. 4.

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equal to the private school's operating and debt service cost per pupil that is related to educational programming, as determined by the department, or an amount either of \$7,050, if the pupil is enrolled in a grade from kindergarten to 8, or of \$7,856, if the pupil is enrolled in a grade from 9 to 12.

SECTION 1867. 119.23 (4) (d) (intro.) of the statutes is amended to read:

119.23 (4) (d) (intro.) In determining a private school's operating and debt service cost per pupil under par. (b) 1. (bg) and sub. (4m) (a), the department shall do all of the following:

SECTION 1868. 119.23 (4r) (a) 1. of the statutes is repealed.

SECTION 1869. 119.23 (4r) (a) 2. of the statutes is renumbered 119.23 (4r) (a) and amended to read:

119.23 (4r) (a) ~~In the 2010-11 school year and in any school year thereafter,~~ multiply Multiply the amount determined under sub. (4) (b) ~~or (bg)~~ by 0.616.

SECTION 1870. 119.23 (4s) of the statutes is created to read:

~~119.23 (4s) Notwithstanding subs. (4), (4m), and (4r), a pupil attending a private school participating in the program under this section who is receiving a scholarship under s. 115.7915 shall not be counted as a pupil attending the private school under this section under sub. (4), (4m), or (4r).~~

SECTION 1871. 119.23 (5) of the statutes is amended to read:

119.23 (5) The state superintendent shall ensure that pupils and parents and guardians of pupils who reside in the city are informed annually of the private schools participating in the program under this section and in the program under s. 118.60.

SECTION 1872. 119.23 (6m) (b) 3. d. of the statutes is amended to read: